

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

C.A. NO. 03-12216MLW

EASTERN CONTRACTORS, INC.,

Plaintiff,

v.

CITY OF WORCESTER and THOMAS R.  
HOOVER, City Manager, and, HEERY  
INTERNATIONAL, INC. and THOMAS E.  
ELLIS, JR.

Defendants.

ASSENTED-TO MOTION  
TO EXTEND TIME TO FILE  
OPPOSITION TO DEFENDANT'S MOTION  
FOR SUMMARY JUDGMENT AND FOR  
ENTRY OF SEPARATE AND FINAL  
JUDGMENT

Now comes the Plaintiff, Eastern Contractors, Inc., (hereinafter "Eastern"), and hereby moves for an extension of time from November 4, 2004 to November 5, 2004 for Eastern to file an opposition to Defendant's, Heery International, Inc., and Thomas E. Ellis, Jr. (collectively "Heery"), Motion for Summary Judgment and for Entry of Separate and Final Judgment. As grounds for this motion, Eastern submits that in light of previous factors stated in its previous motion to continue, Counsel for Plaintiff is unable to file an opposition on the previously agreed upon date of November 4, 2004 and requires an additional day to respond. Eastern further states that no party will be unfairly prejudiced by the allowance of this motion. Finally, all counsel have indicated their assent to the motion.

WHEREFORE, the Plaintiff, Eastern Contractors, Inc., respectfully requests that the Court grant this Motion to Extend Time to File Opposition to Defendant's Motion for Summary Judgment and for Entry of Separate and Final Judgment.

EASTERN CONTRACTORS, INC.,

By its attorneys,

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AND,

//s//

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ASSENTED TO:  
HEERY INTERNATIONAL, INC. and  
THOMAS E. ELLIS, JR.

By their attorneys,

//s//

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CITY OF WORCESTER,

By their attorney,  
David M. Moore  
City Solicitor

//s//

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